

OFFICE USE ONLY

Application Number: BZA15-113 Date Received: 6 Oct. 2015
Application Accepted by: ff Fee: \$1900
Commission/Civic: CLINTONVILLE
Existing Zoning: C-4
Comments: 12/15/15

TYPE(S) OF ACTION REQUESTED (Check all that apply):

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections:

Proposal Is To OBTAIN VARIANCE To Use Existing Drive Thru For
ITEMS OTHER THAN COFFEE. Current Use Only Allows "COFFEE" To Be Sold
From The Drive Thru Window.

LOCATION

Certified Address: 3645-3665 N. High St City: Columbus Zip: _____

Parcel Number (only one required): 010-058704

APPLICANT (If different from Owner):

Applicant Name: ED WILLIAMS / SBARRO Phone Number: 614-769-9916 Ext.: _____

Address: 1328 Dublin Rd., Suite 200 City/State: Columbus, OH Zip: 43215

Email Address: EWILLIAMS@SBARRO.COM Fax Number: 614-769-9923

PROPERTY OWNER(S) ☐ Check here if listing additional property owners on a separate page

Name: PETER PAN PROPERTIES Phone Number: 614-481-8269 Ext.: _____

Address: Scioto Mount Group - 1225 Dublin Rd City/State: Columbus, OH Zip: 43215

Email Address: CHAU@SCIOTOMOUNTGROUP.COM Fax Number: 614-481-8479

ATTORNEY / AGENT (Check one if applicable): ☐ Attorney ☒ Agent

Name: CHRIS DABEL Phone Number: 614-481-8269 Ext.: _____

Address: 1225 DUBLIN RD City/State: Columbus, OH Zip: 43215

Email Address: CHRIS@SCIOTOMOUNTGROUP.COM Fax Number: 614-481-8479

SIGNATURES (All signatures must be provided and signed in blue ink)

APPLICANT SIGNATURE: _____

PROPERTY OWNER SIGNATURE: PETER PAN PROPERTIES, LLC

ATTORNEY / AGENT SIGNATURE: Chris Dabel, VP SMC, Agent

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make checks payable to the Columbus City Treasurer

DESIGNATION OF AUTHORIZED AGENT

I, Dr. Peter Boasberg, certify that I am the Managing Member of Peter Pan Properties, LLC and that Christopher C. Deibel, VP Scioto Management Group, LLC is authorized to act as my agent. He is authorized to sign and execute leases, construction documents and all related documents regarding Sbarro, Inc. on behalf of Peter Pan Properties, LLC.

Peter Boasberg
Dr. Peter Boasberg
Managing Member

Date: 10.5.15

Board of Zoning Adjustment ApplicationDEPARTMENT OF BUILDING
AND ZONING SERVICES757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov**AFFIDAVIT**STATE OF OHIO
COUNTY OF FRANKLINBeing first duly cautioned and sworn (1) NAME Ed Williamsof (1) MAILING ADDRESS 1328 DUBLIN RD, SUITE 200, COLUMBUS OH 43215

deposes and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY 3645 N. HIGH STREET, COLUMBUS OH

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS(4) Peter Pan Properties
Scioto Management Group
1225 DUBLIN RD, SUITE 200
COLUMBUS, OH 43215APPLICANT'S NAME AND PHONE #
(same as listed on front application)Ed Williams / SBARRO
1328 DUBLIN RD, SUITE 200, COLUMBUS OH 43215AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR
OR CONTACT PERSON AND ADDRESS(5) CLINTONVILLE ZONING & VARIANCE COMMITTEE
DANA BROWNELL
DKBROWNELL@YAHOO.COM / 614-937-7268

and that the following is a list of the **names** and **complete mailing addresses**, including **zip codes**, as shown on the **County Auditor's Current Tax List or the County Treasurer's Mailing List**, of all the **owners of record of property within 125 feet** of the exterior boundaries of the property for which the application was filed, **and** all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

| (6) PROPERTY OWNER NAME | (6a) PROPERTY ADDRESS | (6b) PROPERTY OWNER MAILING ADDRESS |
|-------------------------|-----------------------|-------------------------------------|
| <u>AULISTO SPINALE</u> | | |
| | | |
| | | |

☒ (7) Check here if listing additional property owners on a separate page.

(8) SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 5th day of October, in the year 2015

(8) SIGNATURE OF NOTARY PUBLIC

Michele L. Cantrell
My Commission Expires May 13, 2019Notary Seal Here
MICHELE L. CANTRELL
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES MAY 13, 2019

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BZA15-113
3645-3665 North High Street

APPLICANT

OWNER

ATTORNEY

SBARRO
c/o Ed Williams
1328 Dublin Rd., Ste. 200
Columbus, OH 43215

Peter Pan Properties
Scioto Management Group
1225 Dublin Rd. Suite 200
Columbus, OH 43215

Andrew Herf
Shumaker Advisors
41 S. High St., Suite 2400
Columbus, OH 43215

COMMITTEE CHAIR

Dana Bagwell
Clintonville Zoning & Variance Committee
3982 N. High St.
Columbus, OH 43214

Mark Lombardo
26 Winthrop Rd.
Columbus, OH 43214

Steven Lseciliot Steven
19340 Pine Lane
Marysville, OH 43040

Central Ohio Youth for Christ, Inc.
3630 N. High St.
Columbus, OH 43214

Madeline Rivera
Sherwin S. Singer
42 Northmoor Pl.
Columbus, OH 43214

Tricia Wheeler Investments, LLC
2338 Abington Rd.
Upper Arlington, OH 43221

Elizabeth A. Madson
29 Winthrop Rd.
Columbus, OH 43214

3677 North High LLC
P.O. Box 14427
Columbus, OH 43214

William D. Sager
Jennifer L. Perkins
36 Winthrop Rd.
Columbus, OH 43202

David J. Umbarger
Teri B. Umbarger
28 Northmoor Pl.
Columbus, OH 43214

City of Columbus Engine House
No. 19
90 W. Broad St. #425
Columbus, OH 43215

Andrew L. Schamess
Rebecca F. Schamess
46 Northmoor Pl.
Columbus, OH 43214

Robert L. Tucker III
Leslie N. Tucker
36 Northmoor Pl.
Columbus, OH 43214

Robert A. Haynes
Todd Haynes
23 Northmoor Rd.
Columbus, OH 43214

Ronald H. Bettinger
Nitia M. Bettinger
23 Winthrop Rd.
Columbus, OH 43214

Management Plus LLC
3636 N. High St.
Columbus, OH 43214

3677 North High LLC
P.O. Box 14439
Columbus, OH 43214

Judith A. Ritchey
3680 N. High St.
Columbus, OH 43214

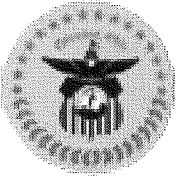
Peter Pan Properties LLC
829 Warner Ave.
Los Angeles, CA 90024

Richard E. Burkart
37 Winthrop Rd.
Columbus, OH 43214

Robert E. Keehl
Judy K. Keehl
3666 N. High St.
Columbus, OH 43214

James A. Brooke
Connie S. Brooke
31 Northmoor Pl.
Columbus, OH 43214

R. Stratton Alt
3637 N. High St.
Columbus, OH 43214



CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

One Stop Shop Zoning Report Date: Wed Oct 21 2015

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 3645 N HIGH ST COLUMBUS, OH
Mailing Address: 1 HOME CAMPUS
DES MOINES IA 50328-0001

Owner: PETER PAN PROPERTIES LLC
Parcel Number: 010058704

ZONING INFORMATION

Zoning: ORIG, Commercial, C4
effective 2/27/1928, Height District H-35

Historic District: N/A

Board of Zoning Adjustment (BZA): N/A

Historic Site: No

Commercial Overlay: N/A

Council Variance: N/A

Graphic Commission: N/A

Flood Zone: OUT

Area Commission: Clintonville Area Commission

Airport Overlay Environs: N/A

Planning Overlay: N/A

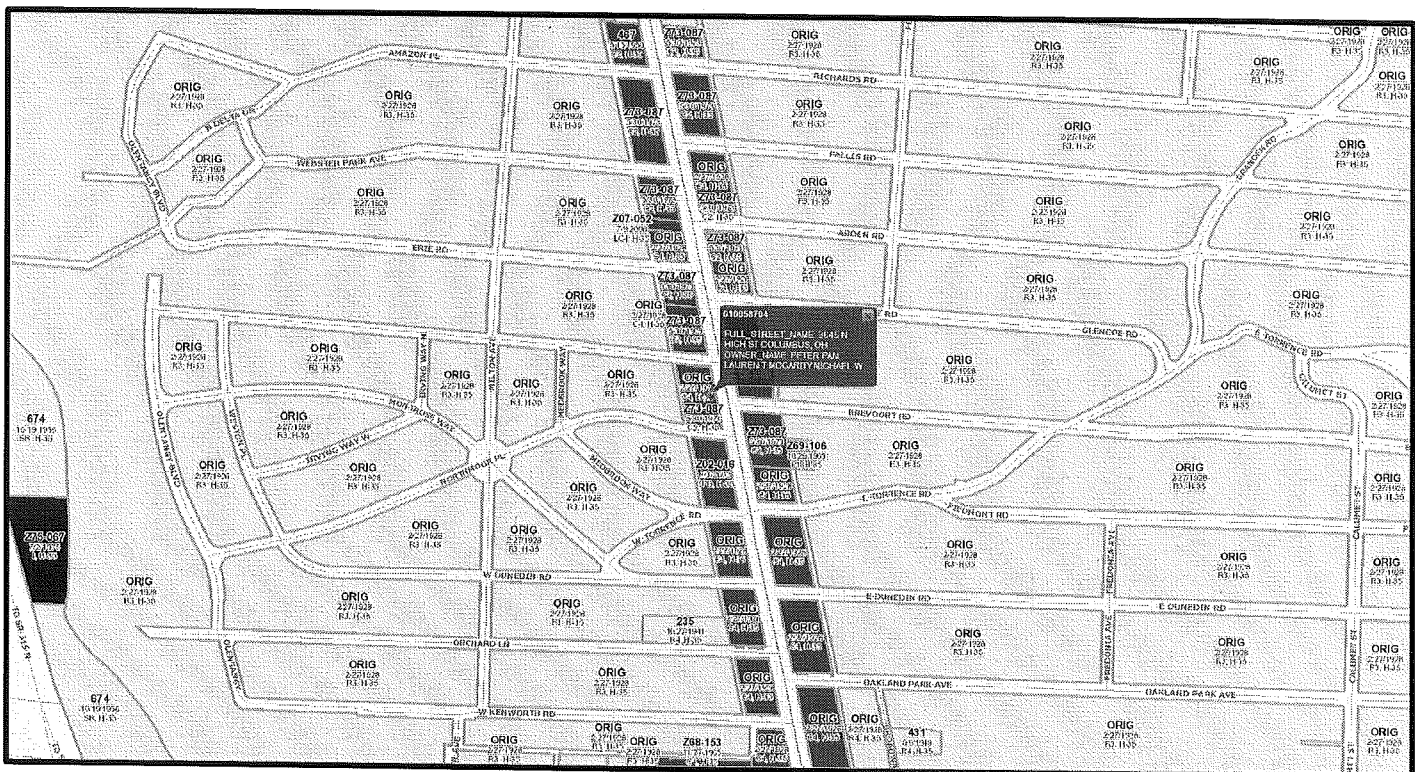
PENDING ZONING ACTION

Zoning: N/A

Council Variance: N/A

Board of Zoning Adjustment (BZA): N/A

Graphic Commission: N/A



Board of Zoning Adjustment Application

DEPARTMENT OF BUILDING
 AND ZONING SERVICES

757 Carolyn Avenue, Columbus, Ohio 43224
 Phone: 614-645-7433 • www.bzs.columbus.gov

STATEMENT OF HARDSHIP

APPLICATION #

3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. Special circumstances or conditions apply to the subject property that do not apply, generally, to other properties in the same zoning district.
 2. The special circumstances or conditions are not the result of the actions of the property owner or applicant.
 3. The special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
 4. The grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

STATEMENT OF HARDSHIP

Upon application to the City to obtain a permit for an approved use including drive thru and delivery, we were told there were not any pre-existing conditions affecting the property and did not see any issue as this was the existing use on the property. Based on that, we proceeded to sign a lease, obtained a demo permit, and commenced construction. We were then informed that due to an address change on the property at some point in time in the past, that there were conditions found that affected this property, that coffee was the only product allowed to be sold thru the drive thru and that pizza products would not be allowed without variance.

The hardship we offer is we entered into a lease relationship understanding it included a drive thru, this is a pre-existing condition, we are compliant with the overlay district even though we are not in it, it is not injurious to the neighborhood - rather we are offering a customer convenience that is advantageous to the residents and we cannot use the space as originally planned under the current zoning. We believe we are not at fault, we didn't know and weren't informed of any pre-existing conditions, we have been honest in our approach, and lastly, we are trying to do what is right by the community.

Signature of Applicant _____

Date 10/2/15

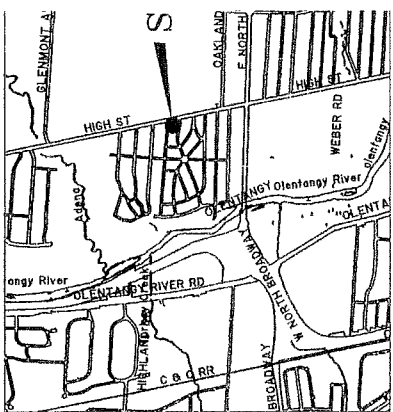
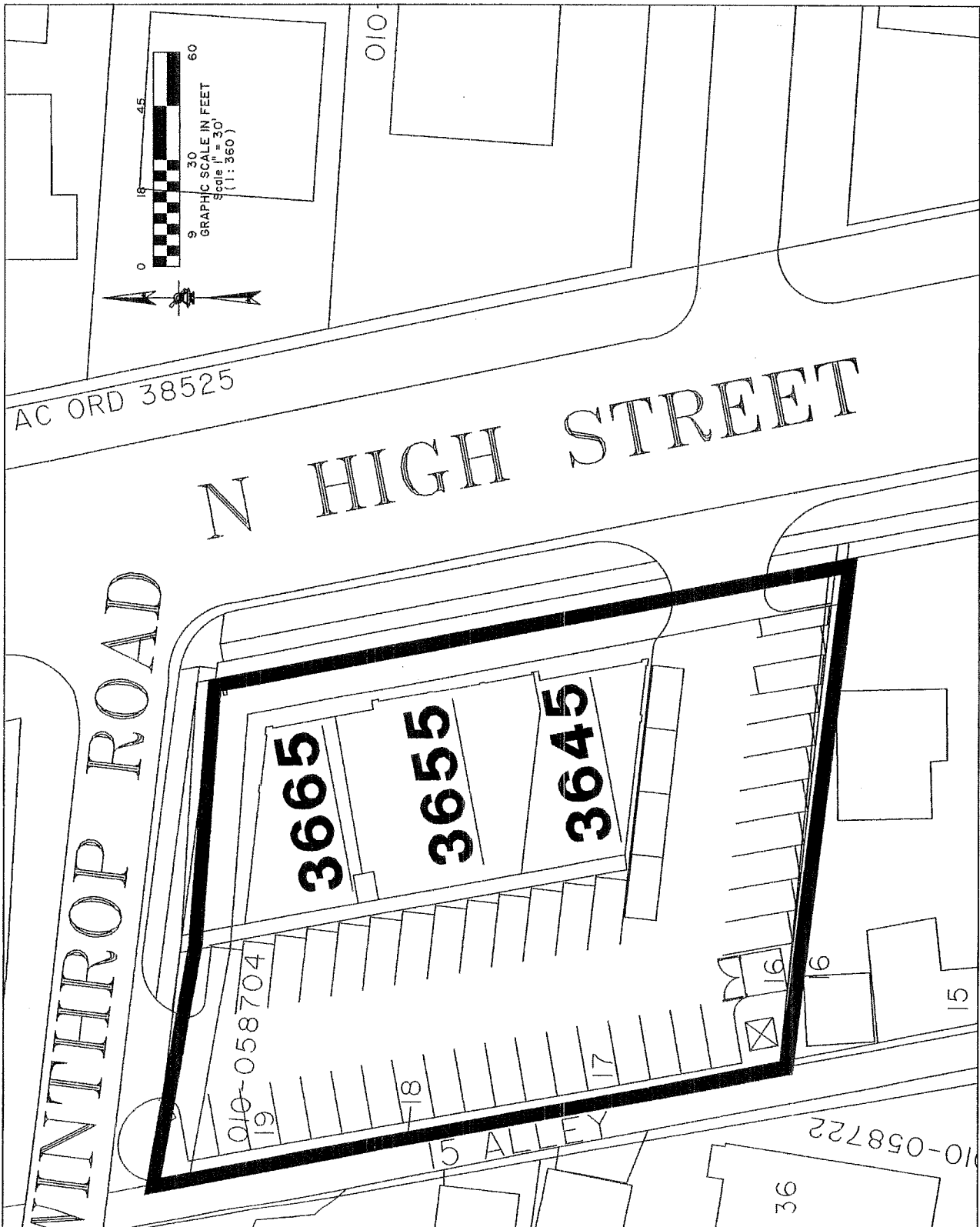
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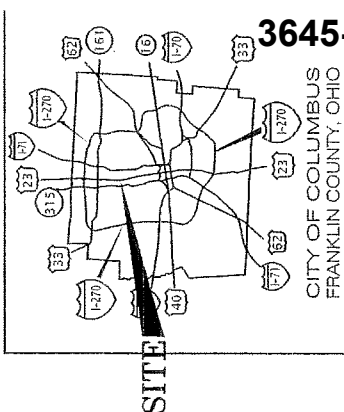
Please make checks payable to the Columbus City Treasurer

Address Card

ASSIGNMENT OF COMMERCIAL ADDRESSES WITHIN THE CITY OF COLUMBUS, OHIO



OTHER MAP REFERENCES
CITY LAND USE MAP: 19-B
GIS FACET NUMBER: 1823574C



CERTIFIED HOUSE NUMBER
HOUSE NUMBERS SHOWN ON ATTACHED
PLATE ARE CERTIFIED FOR SECURING
OF BUILDING & UTILITY PERMITS

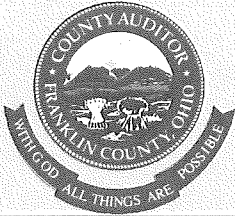
issued by
Pamela A. Clawson
PAMELA A. CLAWSON, P.E., ADMINISTRATIVE
TRANSPORTATION DIVISION
109 N. FRONT ST.
COLUMBUS, OH 43215

ADDRESS FILE NUMBER: 03-047

DEVELOPED BY: METROPOLITAN CONSULTANTS
ENGINEERING CONSULTANT: MEACHAM & APEL
NORTH HIGH & WINTHROP
RETAIL SHOPS

ORIGINAL PARCEL NUMBER: 010-058704
DRAWN BY: LOM
CHECKED BY: JWC

BZA15-113



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: C

DATE: 10/5/15



Disclaimer

Scale = 40



This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

THE CITY OF
COLUMBUS
MICHAEL R. CANTRELL MAYOR

DEPARTMENT OF BUILDING
AND ZONING SERVICES

Scott
Board of Zoning Adjustment Application

757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7473 • www.bza.columbus.gov

PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION # _____

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Ed Williams
of (COMPLETE ADDRESS) 1328 DUBLIN RD, Suite 200 Columbus 43215
deposes and states that (he/she) is the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following
is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of
this application and their mailing addresses:

NAME

COMPLETE MAILING ADDRESS

Peter Boasberg 829 Warner Ave L.A., CA
90024

Susan Turner 225 The Crossroads # 149
Chapel, CA 93728

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 5 day of OCTOBER, in the year 2015

Michele L. Cantrell
SIGNATURE OF NOTARY PUBLIC

May 13, 2019
My Commission Expires

Notary Seal Here

MICHELE L. CANTRELL
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES MAY 13, 2019

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